

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHALEV2A

In re Application of:)	Conf. No.: 6142
)	
Alon SHALEV et al)	Art Unit: 3762
)	
Appln. No.: 10/753,882)	Examiner: S. M. Getzow
)	
Filed: January 9, 2004)	Washington, D.C.
)	
For: METHOD AND APPARATUS FOR)	April 28, 2006
STIMULATING THE SPHENO-)	
PALATINE GANGLION TO ...)	

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

This application contains claims 1-417, of which claims 29, 31, 37-41, 45-46, 54, 57, 131-133, 135-140, 143-144, and 410-417 are currently under consideration.

Claims 29, 131-133, 135-140, 143, 144, and 410-417 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 28-64, and 217-239 of copending Application No. 10/258,714 in view of US Patent 6,410,046 to Lerner. Applicants' previously-filed terminal disclaimer was rejected for failing to indicate the reel and frame information. While not necessarily agreeing with this double patenting rejection,

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a corrected terminal disclaimer is being filed herewith in order to expedite the issuance of a patent on the allowable claims in the present application.

Claims 29, 54, 131-133, 135-140, 410-412, and 415-417 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-44 of US Patent 6,853,858. Claims 29, 54, 410-412, and 415-417 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-177 of copending Application No. 10/518,322. Claims 29, 31, 37-39, 54, 57, 131-133, 136-140, 143, 144, 410-412, and 415-417 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-177 of copending Application No. 10/952,536. While not necessarily agreeing with these rejections, the attached terminal disclaimer is being filed in order to expedite the issuance of a patent on the allowable claims in the present application. The attached terminal disclaimer disclaims the terminal part of any patent issuing from the present application that would extend beyond the expiry of the first-to-expire of any of the four patents included in the double-patenting rejection. It also requires common ownership with each of them.

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Applicants draw the Examiner's attention to an official action issued March 16, 2006, by the Examiner in copending Application No. 10/258,714.

The filing of the above-mentioned terminal disclaimer and the remarks presented hereinabove are fully responsive to all of the grounds of rejection raised by the Examiner. In view of this terminal disclaimer and remarks, all of the claims in the present application are now in order for allowance. Notice to this effect is earnestly solicited.

Respectfully submitted,

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